State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0216

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HOUSE BILL NO. 1019

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Introduced by: The Committee on Judiciary at the request of the Department of Health

1   FOR AN ACT ENTITLED, An Act to permit disclosure of certain information related to

2   intentional exposure to human immunodeficiency virus.

3   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4   Section 1. That § 34-22-12.1 be amended to read as follows:

5   34-22-12.1. ~~The reports~~ Any report required to be submitted pursuant to § 34-22-12 ~~shall~~

6   ~~be~~ is strictly confidential medical information. ~~Such reports may not~~ No report may be released,

7   shared with any agency or institution, or made public, upon subpoena, search warrant, discovery

8   proceedings, or otherwise ~~and are not~~. No report is admissible as evidence in any action of any

9   kind in any court or before any tribunal, board, agency, or person~~, except that~~. However, the

10   Department of Health may release or authorize the release of medical or epidemiological

11   information ~~may be made or authorized by the Department of Health~~ under any of the following

12   circumstances:

13   (1)   For statistical purposes in such a manner that no person can be identified;

14   (2)   With the written consent of the person identified in the information released;

15   (3)   To the extent necessary to enforce the provisions of this chapter and rules

16   promulgated ~~thereunder~~ pursuant to this chapter concerning the prevention,

1   treatment, control, and investigation of communicable diseases; ~~and~~

2 (4) To the extent necessary to protect the health or life of a named person;

3 (5) To the extent necessary to comply with a proper judicial order requiring release of

4   human immunodeficiency virus test results and related information to a prosecutor for

5   an investigation of a violation of § 22-18-31; and

6 (6) To law enforcement officials, if the Department of Health has reasonable cause to

7   suspect that a person violated § 22-18-31.